

August 19, 2011

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
August 19, 2011

I. OPENING OF MEETING AT 11:07 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; John Logsdon (by telephone) and Bill Lipsmire (by telephone), Illinois Department of Central Management Services; and Linda Schumm (by telephone) Illinois Department of Transportation.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD ON JULY 15, 2011

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JULY 15, 2011.**

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions from Central Management Services**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	145	10
Agriculture.....	473	17
Arts Council.....	18	2
Capitol Development Board .....	46	0
Central Management Services .....	1,394	113
Children and Family Services.....	2,936	49
Civil Service Commission .....	4	0
Commerce & Economic Opportunity .....	430	67
Commerce Commission.....	79	0
Corrections.....	12,149	103
Criminal Justice Authority.....	61	5
Deaf and Hard of Hearing Comm. ....	8	1
Developmental Disabilities Council .....	9	1
Emergency Management Agency .....	86	7
Employment Security .....	1,927	29
Environmental Protection Agency.....	900	16
Financial & Professional Regulation .....	474	42
Gaming Board.....	114	5
Guardianship and Advocacy .....	104	7
Healthcare and Family Services.....	2,250	27
Historic Preservation Agency .....	237	9
Human Rights Commission .....	13	2
Human Rights Department .....	150	8
Human Services .....	13,681	77
Illinois Sentencing Policy Advisory Council.....	1	2
Illinois Torture Inquiry Relief Commission.....	2	1
Insurance.....	256	12
Investment Board.....	3	1
Juvenile Justice .....	1,295	20
Labor.....	79	7
Labor Relations Board Educational .....	12	2
Labor Relations Board State .....	20	2
Law Enforcement Training & Standards Bd.....	18	2
Medical District Commission .....	2	0
Military Affairs.....	121	3
Natural Resources.....	1,353	28
Pollution Control Board.....	21	1
Prisoner Review Board .....	19	0
Property Tax Appeal Board .....	37	1
Public Health .....	1,111	41
Racing Board .....	2	0
Revenue .....	2,067	59
State Fire Marshal.....	141	12
State Police .....	1,268	4
State Police Merit Board.....	5	1
State Retirement Systems .....	87	2
Transportation.....	2,345	0
Veterans' Affairs .....	1,302	8
Workers' Compensation Commission .....	175	8
<b>TOTALS .....</b>	<b>49,430</b>	<b>814</b>

**Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**B. Requests for 4d(3) Exemption**

Executive Director Daniel Stralka reported that the Staff recommendation was to continue all items until the September 16, 2011 meeting.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION AND EXEMPTION RESCISSION FOR THE FOLLOWING POSITIONS:**

**The following 4d(3) exemption requests were continued to September 16, 2011:**

**C. Illinois Department of Insurance**

Position Number	40070-14-16-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Technology
Functional Title	Information Technology Director
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to the Acting Director
Location	Sangamon County

**D. Illinois Department of Corrections**

Position Number	40070-29-04-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Operations
Functional Title	Central Deputy Director
Incumbent	Vacant
Supervisor	Chief of Operations, who reports to the Director
Location	Sangamon County

**E. Illinois Department of Corrections**

Position Number	40070-29-06-100-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Correctional Industries
Functional Title	Illinois Correctional Industries (ICI) Financial Officer
Incumbent	Vacant
Supervisor	Chief Executive Officer who reports to the Director
Location	Sangamon County

**F. Illinois Department of Human Services (request for rescission of exemption)**

Position Number	40070-10-72-000-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Division of Developmental Disabilities
Functional Title	Ludeman Assistant Center Director
Incumbent	Glenda Corbett
Supervisor	Chief Executive Officer who reports to the Director
Location	Cook County

V. CLASS SPECIFICATIONS

The following class titles were submitted for abolishment, creation, and revision by the Director of Central Management Services:

- A. **Storekeeper I (revise)**  
**Storekeeper II (revise)**  
**Storekeeper III (revise)**
  
- B. **Pharmacist Technician (abolish)**  
**Pharmacist Lead Technician (abolish)**  
**Pharmacy Technician (create)**  
**Pharmacy Lead Technician (create)**
  
- C. **Health Information Administrator (revise)**  
**Health Information Technician (revise)**
  
- D. **Flight Safety Coordinator (revise)**
  
- E. **Corrections Vocational Instructor (revise)**

In addition to the reasons explained in the analysis section of each class specification submitted for abolishment, creation, and revision, and the fact that each of the changes had been previously approved by Central Management Services and the appropriate collective bargaining agreement, Assistant Executive Director Barris had the following additional questions about the classes:

Regarding the proposed revision to the Storekeeper I, II, and III classifications, Barris had the following questions about the use of the word “may” regarding the driver’s license requirement, i.e. if the word “may” is used, in what situation would the possession of a driver’s license actually be required. Bill Lipsmire of Central Management Services Technical Services explained that the word “may” was used because the classes covered so many different positions, employees, and agencies (21 agencies and 146 employees) and the position descriptions tailored to each would designate what specific positions would have driving responsibilities and require a driver’s license.

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Regarding the proposed creation of the Pharmacy Technician I and I class, this change was needed to conform to the changes in the Pharmacy Practices Act. Barris had questions as to why this was not a revision as opposed to an abolishment and creation. Lipsmire explained that the name change from “Pharmacist” to “Pharmacy” necessitated the abolishment and creation of the new class. Barris also asked what a “pharmacy distribution hub” is (as listed in the class description) and Lipsmire explained that it was a location where bulk medications were repackaged for specific institutions.

Regarding the Health Information Administrator and Health Information Technician revisions, Barris had questions about the number of agencies that used this class. Bill Lipsmire confirmed that the Department of Human Services, Department of Veterans’ Affairs, Department of Corrections, and the Department of Juvenile Justice utilized these classes. Barris asked about the relationship of the Health Information Associate class to the proposed revised classes and why there was no change to the Associate class. Lipsmire explained that the Associate class was below the proposed classes as the entry level class and that a change was not needed. Lipsmire explained that the change was needed in the proposed classes to eliminate the barrier imposed against advancement in the Health Information Technician class, i.e. the Technician class needed to provide an opportunity for advancement without requiring a college degree if the necessary experience could be gained within the class to advance in the series.

Regarding the Flight Safety Coordinator class revision, Barris asked why the requirements were being reduced for the Flight Safety Coordinator class when other recent changes to classes involving aviation added more strict qualification requirements. Linda Schumm, Bureau Chief of Aviation Safety and Education at the Illinois Department of Transportation, explained that the requirements for this class were the same as the requirements for a commercial pilot and that the nature of the class had changed regarding airport inspections. It was excessive for the requirements of this class to be the same as a commercial pilot because the primary functions of the two positions are different. In sum, a commercial pilot’s primary responsibility is to fly commercial aircraft while the primary responsibility of a position in this class is to inspect small local airports.

Regarding the revision to the Corrections Vocation Instructor class, Barris asked about the ability of the current employees in the class to meet the new requirements if they were not certified per the guidelines of the Illinois State Board of Education. Lipsmire explained that the proposed revision is necessary because the Illinois State Board of Education has jurisdiction over the class. Lipsmire explained that existing employees would be grandfathered in and the agency would work with the employees to meet any certification guidelines.

Due to the analysis provided in each of the class specifications submitted to the Commission and the resolution of the issues presented above, the Staff recommendation was to approve the proposed abolishment, creation, and revision of the above classes.

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**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO APPROVE THE ABOLISHMENT, CREATION, AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE SEPTEMBER 1, 2011:**

- A. Storekeeper I (revise)  
Storekeeper II (revise)  
Storekeeper III (revise)**
- B. Pharmacist Technician (abolish)  
Pharmacist Lead Technician (abolish)  
Pharmacy Technician (create)  
Pharmacy Lead Technician (create)**
- C. Health Information Administrator (revise)  
Health Information Technician (revise)**
- D. Flight Safety Coordinator (revise)**
- E. Corrections Vocational Instructor (revise)**

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

**VI. MOTION TO GO INTO EXECUTIVE SESSION**

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

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VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 12:05 p.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	6/30/11	<b>7/31/11</b>	7/31/10
Aging	1	<b>1</b>	0
Agriculture	0	<b>5</b>	0
Central Management Services	1	<b>3</b>	0
Children and Family Services	0	<b>6</b>	2
Commerce & Economic Opportunity	0	<b>1</b>	0
Employment Security	21	<b>25</b>	2
Healthcare and Family Services	5	<b>5</b>	0
Historic Preservation Agency	0	<b>6</b>	0
Human Services	13	<b>12</b>	0
Natural Resources	5	<b>20</b>	0
Property Tax Appeal Board	6	<b>13</b>	4
Revenue	0	<b>1</b>	0
State Fire Marshal	1	<b>1</b>	0
State Retirement Systems	0	<b>0</b>	1
Transportation	1	<b>1</b>	3
Veterans' Affairs	2	<b>1</b>	0
Workers' Compensation Commission	0	<b>2</b>	0
Totals	56	<b>103</b>	12

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IX. INTERLOCUTORY APPEALS

**RV-35-11**

Employee	Gregory D. Douglas	Appeal Date	01/05/11
Agency	Central Management Services	Decision Date	07/19/11
Type	Rule Violation	ALJ	Daniel Stralka
Issue(s)	Similar appeals filed regarding failure of CMS to provide names of applicants and interviewees for select job postings	Proposal for Decision	Dismiss the appeal under the doctrine of res judicata.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE THE DISMISSAL OF THE APPEAL AS THE THREE ELEMENTS OF THE DOCTRINE OF RES JUDICATA HAVE BEEN MET: FINAL JUDGMENT ON THE MERITS BY A COURT OF COMPETENT JURISDICTION OR AN ADMINISTRATIVE BODY, IDENTITY OF CAUSE OF ACTION, AND IDENTITY OF PARTIES, SO THE PRESENT ACTION IS BARRED.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

**RV-36-11**

Employee	Corey E. Esser	Appeal Date	01/20/11
Agency	Juvenile Justice	Decision Date	07/22/11
Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	No jurisdiction because the appeal was not timely filed	Proposal for Decision	Dismiss the appeal for no jurisdiction.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO APPROVE THE DISMISSAL OF THE APPEAL BECAUSE THE EMPLOYEE DID NOT FILE IT WITHIN 180 DAYS AFTER THE EMPLOYEE HAD KNOWLEDGE OF THE ALLEGED VIOLATION REGARDING HIS "SICK LEAVE BANK" WHICH RESULTED IN THE COMMISSION HAVING NO JURISDICTION OVER THIS MATTER.**

<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

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X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

**DA-4-11**

Employee	Oscar W. Tames	Appeal Date	07/16/10
Agency	Human Services	Decision Date	08/01/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Abuse of time	Proposal for Decision	Charge is proven and warrants discharge.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGE IS PROVEN AND WARRANTS DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED AUGUST 1, 2011.**

**KOLKER            YES            EWELL            YES  
PETERSON        YES            DALIANIS        YES  
BUKRABA         YES**

**DA-27-11**

Employee	Gregory H. Little	Appeal Date	10/25/10
Agency	Revenue	Decision Date	08/05/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Time abuse, falsification of time records, and misuse of state vehicle and state property	Proposal for Decision	Charges are partially proven and warrant discharge.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES ARE PARTIALLY PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED AUGUST 5, 2011.**

**KOLKER            YES            EWELL            YES  
PETERSON        YES            DALIANIS        YES  
BUKRABA         YES**

**DA-40-11**

Employee	Zane Holder	Appeal Date	03/01/11
Agency	Corrections	Decision Date	08/05/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Proposal for Decision	Charges are proven and warrant discharge.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 3-2 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES ARE PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED AUGUST 5, 2011.**

<b>KOLKER</b>	<b>NO</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>NO</b>		

**XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

**DA-41-11**

Employee	Linda G. Kennedy	Appeal Date	03/01/11
Agency	Revenue	Decision Date	08/09/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Probationary discharge	Proposal for Decision	Dismissed subject to approval of Commission; settled.

**DA-55-11**

Employee	Brian W. Verbiski	Appeal Date	06/21/11
Agency	Corrections	Decision Date	07/12/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO DISMISS THE APPEALS OF LINDA KENNEDY AND BRIAN VERBISKI FOR THE REASONS SET FORTH IN THE PROPOSALS FOR DECISION.**

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<b>KOLKER</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>PETERSON</b>	<b>YES</b>	<b>DALIANIS</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

XII. STAFF REPORT

Executive Director Daniel Stralka reported:

- House Bill 2972 (Holdover Bill) was sent to Governor on June 29, 2011.
- It was time for the Commissioners to review their bios for the annual report and to suggest any changes they thought were necessary.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, September 16, 2011 at 11:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:15 P.M.**